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Berkeley Heights, New Jersey 07922
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ATTORNEYS FOR DEFENDANT
CAPSUGEL US, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CPM CONSULTING LLC AND
MARTINO RIVAPLATA,

Plaintiffs,

vs.

CAPSUGEL US, LLC

Defendant.

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Case No. 2:19-cv-16579-JMV-JBC

**DECLARATION IN SUPPORT OF TAXATION
OF COSTS**

TALLEY R. PARKER, of full age, declares as follows:

1. I am an attorney in the State of Texas and a Principal with the law firm of Jackson Lewis P.C., the attorneys for Defendant Capsugel US, LLC (“Defendant”). I have been admitted *pro hac vice* for the purposes of representing Defendant in this lawsuit. This declaration is based on my personal knowledge and review of Jackson Lewis P.C.’s business records, and is submitted in support of Defendant’s application for an award of its taxable costs in this action pursuant to 28 U.S.C. § 1920, Rule 54 of the Federal Rules of Civil Procedure, and Rule 54.1 of the Local Civil Rules of this Court. As the prevailing party, Defendant seeks recovery of its taxable costs in the amount of \$1,635.16.

2. Annexed hereto as Exhibit 1 is a true and correct copy of the Order on Defendant’s Motion for Summary Judgment in favor of Defendant, dated September 21, 2020, and entered on the docket in this case on September 21, 2020.

3. Annexed hereto as Exhibit 2 is Defendant's Bill of Costs.

4. Annexed hereto as Exhibit 3 are true and correct copies of invoices for the transcription costs (i.e., costs of transcripts and reporter appearances) incurred and paid by Defendant in connection with the deposition of Plaintiff Martino Rivaplata on May 14, 2019. This deposition transcript was used in connection with Defendant's motion for summary judgment. The amount of the transcription costs, \$641.84, is included in the Bill of Costs under "Fees for printed or electronically recorded transcripts necessarily obtained for use in the case."

5. Annexed hereto as Exhibit 4 are true and correct copies of invoices for the transcription costs (i.e., costs of transcripts) incurred and paid by Defendant in connection with the deposition of Muralidhar Nuggehalli on June 13, 2019. This deposition transcript was used in connection with Defendant's motion for summary judgment. The amount of these transcription costs, \$993.32, is included in the Bill of Costs under "Fees for printed or electronically recorded transcripts necessarily obtained for use in the case."

6. The total amount of transcription costs, \$1,635.16, is entered in the Bill of Costs under "Fees for printed or electronically recorded transcripts necessarily obtained for use in the case."

7. The costs set out in the Bill of Costs and listed above are correctly stated, allowable by law, and were actually and necessarily incurred in the case.

WHEREFORE, declarant requests that costs in the amount of \$1,635.16 be taxed against Plaintiffs CPM Consulting LLC and Martino Rivaplata in favor of Defendant in this action.

I declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the foregoing is true and correct.

By: /s/ Talley R. Parker
Talley R. Parker

Dated: October 5, 2020

Exhibit 1

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CPM CONSULTING LLC and MARTINO
RIVAPLATA,

Plaintiffs,

v.

CAPSUGEL US LLC,

Defendant.

Civil Action No. 19-16579

ORDER

John Michael Vazquez, U.S.D.J.

For the reasons set forth in the accompanying Opinion, and for good cause shown,

IT IS on this 21st day of September, 2020,

ORDERED that Defendant's motion for summary judgment (D.E. 82) is **GRANTED in part** and **DENIED in part**; and it is further

ORDERED that Defendant's motion as it pertains to Plaintiff's classification as an independent contractor is **DENIED**. Defendant's motion is otherwise **GRANTED**; and it is further

ORDERED that the Clerk of the Court is directed to close this matter.


John Michael Vazquez, U.S.D.J.

Exhibit 2

UNITED STATES DISTRICT COURT

for the
District of New JerseyCPM Consulting, LLC and
Martino Rivaplatá, Plaintiffs,

Capsugel US, LLC, Defendant.)
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Case No.: 2:19-cv-16579

BILL OF COSTS

Judgment having been entered in the above entitled action on 09/21/2020 against CPM Consulting, LLC et al.,
Date
the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ _____
Fees for service of summons and subpoena	_____
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	<u>1,635.16</u>
Fees and disbursements for printing	_____
Fees for witnesses (<i>itemize on page two</i>)	<u>0.00</u>
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case.	_____
Docket fees under 28 U.S.C. 1923	_____
Costs as shown on Mandate of Court of Appeals	_____
Compensation of court-appointed experts	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	_____
Other costs (<i>please itemize</i>)	_____
TOTAL	\$ <u>1,635.16</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other: _____

s/ Attorney: s/ Talley R. ParkerName of Attorney: Talley R. ParkerFor: Capsugel US, LLC
*Name of Claiming Party*Date: 10/05/2020

Taxation of Costs

Costs are taxed in the amount of _____ and included in the judgment.

By: _____

*Clerk of Court**Deputy Clerk**Date*

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
					TOTAL		\$0.00

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:
“Sec. 1924. Verification of bill of costs.”
“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:
“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Federal Rules of Civil Procedure contain the following provisions:
RULE 54(d)(1)
Costs Other than Attorneys’ Fees.
Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney’s fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day’s notice. On motion served within the next 7 days, the court may review the clerk’s action.

RULE 6
(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)
Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney’s fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

JACKSON LEWIS P.C.
200 Connell Drive, Suite 2000
Berkeley Heights, New Jersey 07922
(908) 795-5200
Attorneys for Defendant
Capsugel US, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CPM CONSULTING, LLC AND
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Plaintiffs,

v.

CAPSUGEL US, LLC,

Defendant.

Civil Action No.: 2:19-cv-16579-JMV-JBC

**DEFENDANT CAPSUGEL US, LLC'S
BILL OF COSTS ITEMIZATION**

#	Item	Amount
1.	Deposition Transcript of Martino Rivaplata [Elite Deposition – Invoice# 34160] submitted in connection with motion for summary judgement (including exhibits and electronic copies)	\$641.84
2.	Deposition Transcript of Muralidhar Nuggehalli [DepoLink Court Reporting – Invoice#: 524142] submitted in connection with motion for summary judgement (including exhibits and electronic copies)	\$993.32
	TOTAL:	\$1,635.16

Exhibit 3

INVOICE



Talley R. Parker
 Jackson Lewis, P.C. - Dallas
 500 N. Akard Street
 Suite 2500
 Dallas, TX 75201

Invoice No.	Invoice Date	Job No.
524142	6/6/2019	23369
Job Date	Case No.	
5/14/2019	3:17-CV-030259-S	
Case Name		
CPM Consulting, LLC., et al., vs. Capsugel US, LLC		
Payment Terms		
Net 30		

ORIGINAL TRANSCRIPT OF:

Martino Rivaplata	94.00	Pages	@	5.00	470.00
Administrative Fee	1.00		@	60.00	60.00
Exhibit Tabs	14.00		@	0.50	7.00
Exhibits (B&W)	56.00	Pages	@	0.89	49.84
Binding	1.00		@	10.00	10.00
Shpg & Handling for Exhibits/Read & Sign, Etc.	1.00	Each	@	45.00	45.00

TOTAL DUE >>> \$641.84

Client Matter No. : 411217

Thank you for your business. Our terms are net 30 days from date of the invoice. All delinquent accounts shall bear interest at a rate of 1.5% per month (18% annum), or the maximum legal rate of interest, if less, commencing 10 days after the invoice date. If you have any questions regarding this invoice, please contact the accounting department at (214) 698-5199.

Signature for acceptance of services represented by this invoice.

X _____ Date _____

(-) Payments/Credits: 0.00

(+) Finance Charges/Debits: 0.00

(=) New Balance: **\$641.84**

Tax ID: 46-0698417

Phone: 214-520-2400 Fax: 214-520-2008

Please detach bottom portion and return with payment.

Talley R. Parker
 Jackson Lewis, P.C. - Dallas
 500 N. Akard Street
 Suite 2500
 Dallas, TX 75201

Invoice No. : 524142
 Invoice Date : 6/6/2019
Total Due : \$641.84

Remit To: **Elite Deposition Technologies, Inc.**
Corporate Office
400 N. St. Paul Street
13th Floor, Suite 1340
Dallas, TX 75201

Job No. : 23369
 BU ID : EDT
 Case No. : 3:17-CV-030259-S
 Case Name : CPM Consulting, LLC., et al., vs. Capsugel US, LLC

Exhibit 4

INVOICE



Melanie Uremovich, Esq
Jackson Lewis, P.C.
500 North Alard
Suite 2500
Dallas, TX 75201

Invoice No.	Invoice Date	Job No.
34160	6/21/2019	37820
Job Date	Case No.	
6/13/2019		
Case Name		
CPM Consulting LLC v. Capsugel US, LLC		
Payment Terms		
Payable upon receipt		

1 CERTIFIED COPY OF TRANSCRIPT OF:

Muralidhar N. Nuggehalli

Exhibit

5-Day Expedited Delivery

136.00 Pages 496.40

118.00 Pages 59.00

136.00 Pages 437.92

TOTAL DUE >>> \$993.32

AFTER 7/21/2019 PAY \$1,067.82

Thank you for your business and your prompt payment.

(-) Payments/Credits: 0.00**(+) Finance Charges/Debits:** 0.00**(=) New Balance:** **993.32**

Tax ID: 45-3652573

Phone: 214-520-2400 Fax:

Please detach bottom portion and return with payment.

Melanie Uremovich, Esq
Jackson Lewis, P.C.
500 North Alard
Suite 2500
Dallas, TX 75201

Job No. : 37820 BU ID : DEPOLINK

Case No. :

Case Name : CPM Consulting LLC v. Capsugel US, LLC

Invoice No. : 34160 Invoice Date : 6/21/2019

Total Due : \$993.32

Remit To: **DepoLink Court Reporting & Litigation
Support Services
100 Eagle Rock Avenue
Suite 140
East Hanover, NJ 07936**

PAYMENT WITH CREDIT CARD

Cardholder's Name: _____

Card Number: _____

Exp. Date: _____ Phone#: _____

Billing Address: _____

Zip: _____ Card Security Code: _____

Amount to Charge: _____

Cardholder's Signature: _____

Email: _____